

Calendar No. 898

106TH CONGRESS
2D SESSION**S. 2872****[Report No. 106–452]**

To improve the cause of action for misrepresentation of Indian arts and crafts.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2000

Mr. CAMPBELL (for himself, Mr. BINGAMAN, Mr. KYL, Mr. JOHNSON, and Mr. DOMENICI introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

OCTOBER 2, (legislative day SEPTEMBER 22), 2000

Reported by Mr. CAMPBELL without amendment

A BILL

To improve the cause of action for misrepresentation of Indian arts and crafts.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indian Arts and Crafts
 5 Enforcement Act of 2000”.

1 **SEC. 2. AMENDMENTS TO CIVIL ACTION PROVISIONS.**

2 Section 6 of the Act entitled “An Act to promote the
3 development of Indian arts and crafts and to create a
4 board to assist therein, and for other purposes” (25
5 U.S.C. 305e) (as added by section 105 of the Indian Arts
6 and Crafts Act of 1990 (Public Law 101–644; 104 Stat.
7 4664)) is amended—

8 (1) in subsection (a)—

9 (A) in the matter preceding paragraph (1),
10 by inserting “, directly or indirectly,” after
11 “against a person who”; and

12 (B) by inserting the following flush lan-
13 guage after paragraph (2)(B):

14 “For purposes of paragraph (2)(A), damages shall include
15 any and all gross profits accrued by the defendant as a
16 result of the activities found to violate this subsection.”;

17 (2) in subsection (c)—

18 (A) in paragraph (1)—

19 (i) in subparagraph (A), by striking
20 “or” at the end;

21 (ii) in subparagraph (B), by striking
22 the period and inserting “; or”; and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(C) by an Indian arts and crafts organi-
 2 zation on behalf of itself, or by an Indian on be-
 3 half of himself or herself.”; and

4 (B) in paragraph (2)(A)—

5 (i) by striking “the amount recovered
 6 the amount” and inserting “the amount
 7 recovered—

8 “(i) the amount”; and

9 (ii) by adding at the end the fol-
 10 lowing:

11 “(ii) the amount for the costs of investiga-
 12 tion awarded pursuant to subsection (b) and re-
 13 imburse the Board the amount of such costs in-
 14 curred as a direct result of Board activities in
 15 the suit; and”;

16 (3) in subsection (d)(2), by inserting “subject
 17 to subsection (f),” after “(2)”; and

18 (4) by adding at the end the following:

19 “(f) Not later than 180 days after the date of enact-
 20 ment of the Indian Arts and Crafts Enforcement Act of
 21 2000, the Board shall promulgate regulations to include
 22 in the definition of the term ‘Indian product’ specific ex-
 23 amples of such product to provide guidance to Indian arti-
 24 sans as well as to purveyors and consumers of Indian arts
 25 and crafts, as defined under this Act.”.

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106TH CONGRESS
2D SESSION

S. 2872

[Report No. 106-452]

A BILL

To improve the cause of action for
misrepresentation of Indian arts and crafts

OCTOBER 2, (legislative day, SEPTEMBER 22), 2000

Reported without amendment